

AMENDED IN ASSEMBLY JULY 7, 2005

AMENDED IN ASSEMBLY JUNE 22, 2005

AMENDED IN SENATE MAY 27, 2005

AMENDED IN SENATE APRIL 12, 2005

SENATE BILL

No. 655

Introduced by Senator Ortiz

February 22, 2005

An act to *amend Sections 65302 and 65302.5 of the Government Code, to add Section 25928 to the Health and Safety Code, to amend Section 2699.5 of, and to add Chapter 7.7 (commencing with Section 2680) to Division 2 of, the Public Resources Code, relating to asbestos.*

LEGISLATIVE COUNSEL'S DIGEST

SB 655, as amended, Ortiz. Asbestos.

(1) Existing law requires that a city or county general plan contain specified elements, including a safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides, subsidence, liquefaction, and other seismic, geologic, and fire hazards.

This bill would additionally include specified asbestos hazards among those hazards required to be identified in the safety element of a general plan, thereby creating a state-mandated local program by imposing new duties on local agencies.

(2) Existing law provides for the Asbestos Assessment Task Force, composed of representatives from the State Department of Health

Services, the Department of Industrial Relations, the Department of General Services, and the Commission on Building Standards, to analyze the magnitude of the asbestos problem in public buildings.

This bill would require the California Environmental Protection Agency (Cal-EPA) to convene a task force, consisting of representatives of the Office of Environmental Health Hazard Assessment, the Department of Toxic Substances Control, the State Air Resources Board, the State Department of Health Services, and if they agree to participate, representatives of Region IX of the United States Environmental Protection Agency, and the Agency for Toxic Substances and Disease Registry of the United States Department Health and Human Services to evaluate policies and adopt guidelines for the mitigation of risks associated with naturally occurring asbestos. The bill would also require Cal-EPA to request the participation on the task force of 4 representatives from the air quality management districts, who are selected by these districts, in areas that are impacted by naturally occurring asbestos.

The bill would prohibit Cal-EPA from convening that task force to take those actions until federal funds are received by the agency for that purpose.

(2)

(3) Funds in the Strong-Motion Instrumentation and Seismic Hazards Mapping Fund, upon appropriation by the Legislature, are allocated to the Division of Mines and Geology in the Department of Conservation for purposes relating to seismic hazards identification and mapping.

This bill would require that moneys in the fund also be allocated, upon appropriation by the Legislature, for purposes relating to asbestos hazards identification and mapping.

This bill would establish the Asbestos Hazards Mapping Act, which, among other things, would require the State Geologist to compile maps identifying asbestos hazard zones, as specified, and, upon completion, to submit those asbestos hazard maps to the State Mining and Geology Board and all affected cities, counties, and state agencies for review and comment. The act would require concerned jurisdictions and agencies to submit all comments to the board for review and consideration, and would require the State Geologist, within 90 days from the date of that submission, to revise the maps, as appropriate, and provide copies of the official maps to each state agency, city, or county, including the county recorder, having

jurisdiction over lands containing an area of asbestos hazards. The act would require cities and counties, prior to approval of a project located in an asbestos hazard zone, to require a geotechnical report defining and delineating any asbestos hazards, as provided. The act would require each city and county, in preparing the safety element of its general plan, and in adopting or revising land use planning and permitting ordinances, to take into account the information provided in available asbestos hazards maps.

The act would require, on or before July 1, 2006, the State Mining and Geology Board, in consultation with the Director of Conservation and the State Lands Commission, to develop specified guidelines, priorities, and procedures for asbestos hazards mapping, as provided.

The act would require a person who is acting as an agent for a transfer of real property that is located within an asbestos hazard zone, as designated, or the transferor if he or she is acting without an agent, to disclose to any prospective transferee the fact that the property is located within an asbestos hazard zone.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65302 of the Government Code is
2 amended to read:
3 65302. The general plan shall consist of a statement of
4 development policies and shall include a diagram or diagrams
5 and text setting forth objectives, principles, standards, and plan
6 proposals. The plan shall include the following elements:
7 (a) A land use element that designates the proposed general
8 distribution and general location and extent of the uses of the
9 land for housing, business, industry, open space, including
10 agriculture, natural resources, recreation, and enjoyment of

1 scenic beauty, education, public buildings and grounds, solid and
2 liquid waste disposal facilities, and other categories of public and
3 private uses of land. The land use element shall include a
4 statement of the standards of population density and building
5 intensity recommended for the various districts and other
6 territory covered by the plan. The land use element shall identify
7 areas covered by the plan which are subject to flooding and shall
8 be reviewed annually with respect to those areas. The land use
9 element shall also do both of the following:

10 (1) Designate in a land use category that provides for timber
11 production those parcels of real property zoned for timberland
12 production pursuant to the California Timberland Productivity
13 Act of 1982, Chapter 6.7 (commencing with Section 51100) of
14 Part 1 of Division 1 of Title 5.

15 (2) Consider the impact of new growth on military readiness
16 activities carried out on military bases, installations, and
17 operating and training areas, when proposing zoning ordinances
18 or designating land uses covered by the general plan for land, or
19 other territory adjacent to military facilities, or underlying
20 designated military aviation routes and airspace.

21 (A) In determining the impact of new growth on military
22 readiness activities, information provided by military facilities
23 shall be considered. Cities and counties shall address military
24 impacts based on information from the military and other
25 sources.

26 (B) The following definitions govern this paragraph:

27 (i) "Military readiness activities" mean all of the following:

28 (I) Training, support, and operations that prepare the men and
29 women of the military for combat.

30 (II) Operation, maintenance, and security of any military
31 installation.

32 (III) Testing of military equipment, vehicles, weapons, and
33 sensors for proper operation or suitability for combat use.

34 (ii) "Military installation" means a base, camp, post, station,
35 yard, center, homeport facility for any ship, or other activity
36 under the jurisdiction of the United States Department of Defense
37 as defined in paragraph (1) of subsection (e) of Section 2687 of
38 Title 10 of the United States Code.

39 (b) A circulation element consisting of the general location
40 and extent of existing and proposed major thoroughfares,

1 transportation routes, terminals, any military airports and ports,
2 and other local public utilities and facilities, all correlated with
3 the land use element of the plan.

4 (c) A housing element as provided in Article 10.6
5 (commencing with Section 65580).

6 (d) A conservation element for the conservation, development,
7 and utilization of natural resources including water and its
8 hydraulic force, forests, soils, rivers and other waters, harbors,
9 fisheries, wildlife, minerals, and other natural resources. The
10 conservation element shall consider the effect of development
11 within the jurisdiction, as described in the land use element, on
12 natural resources located on public lands, including military
13 installations. That portion of the conservation element including
14 waters shall be developed in coordination with any countywide
15 water agency and with all district and city agencies that have
16 developed, served, controlled or conserved water for any purpose
17 for the county or city for which the plan is prepared.
18 Coordination shall include the discussion and evaluation of any
19 water supply and demand information described in Section
20 65352.5, if that information has been submitted by the water
21 agency to the city or county. The conservation element may also
22 cover the following:

23 (1) The reclamation of land and waters.

24 (2) Prevention and control of the pollution of streams and
25 other waters.

26 (3) Regulation of the use of land in stream channels and other
27 areas required for the accomplishment of the conservation plan.

28 (4) Prevention, control, and correction of the erosion of soils,
29 beaches, and shores.

30 (5) Protection of watersheds.

31 (6) The location, quantity and quality of the rock, sand and
32 gravel resources.

33 (7) Flood control.

34 The conservation element shall be prepared and adopted no
35 later than December 31, 1973.

36 (e) An open-space element as provided in Article 10.5
37 (commencing with Section 65560).

38 (f) A noise element which shall identify and appraise noise
39 problems in the community. The noise element shall recognize
40 the guidelines established by the Office of Noise Control in the

1 State Department of Health Services and shall analyze and
2 quantify, to the extent practicable, as determined by the
3 legislative body, current and projected noise levels for all of the
4 following sources:

5 (1) Highways and freeways.

6 (2) Primary arterials and major local streets.

7 (3) Passenger and freight on-line railroad operations and
8 ground rapid transit systems.

9 (4) Commercial, general aviation, heliport, helistop, and
10 military airport operations, aircraft overflights, jet engine test
11 stands, and all other ground facilities and maintenance functions
12 related to airport operation.

13 (5) Local industrial plants, including, but not limited to,
14 railroad classification yards.

15 (6) Other ground stationary noise sources, including, but not
16 limited to, military installations, identified by local agencies as
17 contributing to the community noise environment.

18 Noise contours shall be shown for all of these sources and
19 stated in terms of community noise equivalent level (CNEL) or
20 day-night average level (L_{dn}). The noise contours shall be
21 prepared on the basis of noise monitoring or following generally
22 accepted noise modeling techniques for the various sources
23 identified in paragraphs (1) to (6), inclusive.

24 The noise contours shall be used as a guide for establishing a
25 pattern of land uses in the land use element that minimizes the
26 exposure of community residents to excessive noise.

27 The noise element shall include implementation measures and
28 possible solutions that address existing and foreseeable noise
29 problems, if any. The adopted noise element shall serve as a
30 guideline for compliance with the state's noise insulation
31 standards.

32 (g) A safety element for the protection of the community from
33 any unreasonable risks associated with the effects of seismically
34 induced surface rupture, ground shaking, ground failure, tsunami,
35 seiche, and dam failure; slope instability leading to mudslides
36 and landslides; subsidence, liquefaction and other seismic
37 hazards identified pursuant to Chapter 7.8 (commencing with
38 Section 2690) of *Division 2 of the Public Resources Code*,
39 *asbestos hazards identified pursuant to Chapter 7.7*
40 *(commencing with Section 2680) of Division 2 of the Public*

Resources Code, and other geologic hazards known to the legislative body; flooding; and wild land and urban fires. The safety element shall include mapping of known seismic, *asbestos*, and other geologic hazards. It shall also address evacuation routes, military installations, peakload water supply requirements, and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards.

(1) Prior to the periodic review of its general plan and prior to preparing or revising its safety element, each city and county shall consult the Division of Mines and Geology of the Department of Conservation and the Office of Emergency Services for the purpose of including information known by and available to the department and the office required by this subdivision.

(2) To the extent that a county's safety element is sufficiently detailed and contains appropriate policies and programs for adoption by a city, a city may adopt that portion of the county's safety element that pertains to the city's planning area in satisfaction of the requirement imposed by this subdivision.

SEC. 2. Section 65302.5 of the Government Code is amended to read:

65302.5. (a) At least 45 days prior to adoption or amendment of the safety element, each county and city shall submit to the Division of Mines and Geology of the Department of Conservation one copy of a draft of the safety element or amendment and any technical studies used for developing the safety element. The division may review drafts submitted to it to determine whether they incorporate known seismic, *asbestos*, and other geologic hazard information, and report its findings to the planning agency within 30 days of receipt of the draft of the safety element or amendment pursuant to this subdivision. The legislative body shall consider the division's findings prior to final adoption of the safety element or amendment unless the division's findings are not available within the above prescribed time limits or unless the division has indicated to the city or county that the division will not review the safety element. If the division's findings are not available within those prescribed time limits, the legislative body may take the division's findings into consideration at the time it considers future amendments to the

1 safety element. Each county and city shall provide the division
2 with a copy of its adopted safety element or amendments. The
3 division may review adopted safety elements or amendments and
4 report its findings. All findings made by the division shall be
5 advisory to the planning agency and legislative body.

6 (1) The draft element of or draft amendment to the safety
7 element of a county or a city's general plan shall be submitted to
8 the State Board of Forestry and Fire Protection and to every local
9 agency that provides fire protection to territory in the city or
10 county at least 90 days prior to either of the following:

11 (A) The adoption or amendment to the safety element of its
12 general plan for each county that contains state responsibility
13 areas.

14 (B) The adoption or amendment to the safety element of its
15 general plan for each city or county that contains a very high fire
16 hazard severity zone as defined pursuant to subdivision (b) of
17 Section 51177.

18 (2) A county that contains state responsibility areas and a city
19 or county that contains a very high fire hazard severity zone as
20 defined pursuant to subdivision (b) of Section 51177, shall
21 submit for review the safety element of its general plan to the
22 State Board of Forestry and Fire Protection and to every local
23 agency that provides fire protection to territory in the city or
24 county in accordance with the following dates as specified,
25 unless the local government submitted the element within five
26 years prior to that date:

27 (A) Local governments within the regional jurisdiction of the
28 San Diego Association of Governments: December 31, 2010.

29 (B) Local governments within the regional jurisdiction of the
30 Southern California Association of Governments: December 31,
31 2011.

32 (C) Local governments within the regional jurisdiction of the
33 Association of Bay Area Governments: December 31, 2012.

34 (D) Local governments within the regional jurisdiction of the
35 Council of Fresno County Governments, the Kern County
36 Council of Governments, and the Sacramento Area Council of
37 Governments: June 30, 2013.

38 (E) Local governments within the regional jurisdiction of the
39 Association of Monterey Bay Area Governments: December 31,
40 2014.

(F) All other local governments: December 31, 2015.

(3) The State Board of Forestry and Fire Protection shall, and a local agency may, review the draft or an existing safety element and report its written recommendations to the planning agency within 60 days of its receipt of the draft or existing safety element. The State Board of Forestry and Fire Protection and local agency shall review the draft or existing safety element and may offer written recommendations for changes to the draft or existing safety element regarding both of the following:

(A) Uses of land and policies in state responsibility areas and very high fire hazard severity zones that will protect life, property, and natural resources from unreasonable risks associated with wildland fires.

(B) Methods and strategies for wildland fire risk reduction and prevention within state responsibility areas and very high hazard severity zones.

(b) Prior to the adoption of its draft element or draft amendment, the board of supervisors of the county or the city council of a city shall consider the recommendations made by the State Board of Forestry and Fire Protection and any local agency that provides fire protection to territory in the city or county. If the board of supervisors or city council determines not to accept all or some of the recommendations, if any, made by the State Board of Forestry and Fire Protection or local agency, the board of supervisors or city council shall communicate in writing to the State Board of Forestry and Fire Protection or to the local agency, its reasons for not accepting the recommendations.

(c) If the State Board of Forestry and Fire Protection or local agency's recommendations are not available within the time limits required by this section, the board of supervisors or city council may act without those recommendations. The board of supervisors or city council shall take the recommendations into consideration at the next time it considers amendments pursuant to paragraph (1) of subdivision (a).

SECTION 1.—

SEC. 3. Section 25928 is added to the Health and Safety Code, to read:

25928. (a) Except as provided in subdivision (b), the California Environmental Protection Agency shall convene a task force, consisting of representatives of the Office of

1 Environmental Health Hazard Assessment, the Department of
2 Toxic Substances Control, the State Air Resources Board, the
3 State Department of Health Services, and, if they agree to
4 participate, representatives of Region IX of the United States
5 Environmental Protection Agency and the Agency for Toxic
6 Substances and Disease Registry of the United States Department
7 of Health and Human Services to evaluate policies and adopt
8 guidelines for the mitigation of risks associated with naturally
9 occurring asbestos. The California Environmental Protection
10 Agency shall also request the participation on the task force of
11 four representatives from the air quality management districts,
12 who are selected by those districts, in areas that are impacted by
13 naturally occurring asbestos.

14 (b) The California Environmental Protection Agency may only
15 implement subdivision (a) with federal funds, and shall not
16 implement subdivision (a) until federal funds are received by the
17 agency for that purpose.

18 ~~SEC. 2.—~~

19 *SEC. 4.* Chapter 7.7 (commencing with Section 2680) is
20 added to Division 2 of the Public Resources Code, to read:

21
22 CHAPTER 7.7. ASBESTOS HAZARDS MAPPING ACT
23

24 2680. This chapter shall be known and may be cited as the
25 Asbestos Hazards Mapping Act.

26 2681. The Legislature finds and declares all of the following:

27 (a) Asbestos is a known human carcinogen and is known to
28 cause fatal illnesses including, but not limited to, asbestosis, lung
29 cancer, parietal pleura, lung cancer, and mesothelioma.

30 (b) Asbestos is the name given collectively to the fibrous
31 forms of several naturally occurring silicate minerals that form
32 under high pressure in the earth's crust, which are commonly
33 found near earthquake faults. Geologists divide asbestos into two
34 categories, which differ in both structure and chemical
35 composition. The two types of asbestos are: (1) serpentine, of
36 which chrysotile is the only asbestiform type; and (2)
37 amphiboles, which includes cocidolite, amosite, anthophyllite,
38 and the fibrous form of actinolite and tremolite.

39 (c) Asbestos is commonly found in ultramafic rock. Serpentine
40 is a type of ultramafic rock. Asbestos is less likely, but may also

1 be present in other forms of rock such as mafic rock. The amount
2 of asbestos that is typically present ranges from less than 1
3 percent to 25 percent or more.

4 (d) Ultramafic rock, primarily serpentine, is found in many
5 parts of California, as many as 44 of California's 58 counties,
6 and is especially abundant in the coastal ranges, the Klamath
7 Mountains, and the Sierra foothills, where it is commonly
8 exposed near earthquake faults. The asbestos contained within
9 the rock becomes disrupted and airborne when the rock is broken
10 through soil disturbing activities such as mining, construction,
11 and other land grading activities.

12 (e) Asbestos, left undisturbed in its rock host, presents no
13 threat to human health. However, activities that release the
14 asbestos into the air or water disturb the asbestos and create an
15 environmental health hazard.

16 (f) It is necessary to identify and map asbestos hazard zones in
17 order for cities and counties to adequately prepare the safety
18 element of their general plans, and to encourage land use
19 management policies and regulations to reduce and mitigate
20 those hazards to protect public health and safety.

21 2682. (a) It is the intent of the Legislature to provide for a
22 statewide asbestos hazards mapping and technical advisory
23 program to assist cities and counties in fulfilling their
24 responsibilities relating to protecting the public health and safety
25 from the hazards caused by asbestos.

26 (b) It is further the intent of the Legislature that maps and
27 accompanying information provided pursuant to this chapter be
28 made available to local governments for planning and
29 development purposes.

30 2683. As used in this chapter:

31 (a) "Board" means the State Mining and Geology Board.

32 (b) "Geotechnical report" means a report prepared by a
33 certified engineering geologist or a civil engineer practicing
34 within the area of his or her competence, which identifies
35 asbestos hazards and recommends mitigation measures to reduce
36 the risk of asbestos hazards to acceptable levels.

37 (c) "Mitigation" means those measures that are consistent with
38 established practice and that will reduce asbestos risk to
39 acceptable levels.

(d) “Project” has the same meaning as in Section 2621.6, except as follows:

(1) A single-family dwelling otherwise qualifying as a project may be exempted by the city or county having jurisdiction of the project.

(2) “Project” does not include alterations or additions to any structure within an asbestos hazard zone that do not exceed either 50 percent of the value of the structure or 50 percent of the existing floor area of the structure.

2684. (a) A person who is acting as an agent for a transferor of real property that is located within an asbestos hazard zone, as designated under this chapter, or the transferor, if he or she is acting without an agent, shall disclose to any prospective transferee the fact that the property is located within an asbestos hazard zone.

(b) Disclosure is required pursuant to this section only when one of the following conditions is met:

(1) The transferor, or transferor’s agent, has actual knowledge that the property is within an asbestos hazard zone.

(2) A map that includes the property has been provided to the city or county and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the map and any information regarding changes to the map received by the county.

(c) In all transactions that are subject to Section 1103 of the Civil Code, the disclosure required by subdivision (a) of this section shall be provided by either of the following means:

(1) The Local Option Real Estate Transfer Disclosure Statement, as provided in Section 1102.6a of the Civil Code.

(2) The Natural Hazard Disclosure Statement, as provided in Section 1103.2 of the Civil Code.

(d) For purposes of the disclosures required by this section, the following persons shall not be deemed agents of the transferor:

(1) Persons specified in Section 1103.11 of the Civil Code.

(2) Persons acting under a power of sale regulated by Section 2924 of the Civil Code.

(e) For purposes of this section, Section 1103.13 of the Civil Code applies.

(f) The specification of items for disclosure in this section does not limit or abridge any obligation for disclosure created by

1 any other provision of law or that may exist in order to avoid
2 fraud, misrepresentation, or deceit in the transfer transaction.

3 2685. (a) On or before July 1, 2006, the board, in
4 consultation with the director and the commission, shall develop
5 all of the following:

6 (1) Guidelines for the preparation of maps of asbestos hazard
7 zones in the state.

8 (2) Priorities for mapping of asbestos hazard zones. In setting
9 priorities, the board shall take into account the following factors:

10 (A) The population affected by the asbestos hazards in the
11 event of an earthquake.

12 (B) The probability that the asbestos hazards would threaten
13 public health and safety.

14 (C) The willingness of lead agencies and other public agencies
15 to share the cost of mapping within their jurisdiction.

16 (D) The availability of existing information.

17 (3) Policies and criteria regarding the responsibilities of cities,
18 counties, and state agencies pursuant to this chapter. The policies
19 and criteria shall address, but not be limited to, the following:

20 (A) Criteria for approval of a project within an asbestos hazard
21 zone, including mitigation measures.

22 (B) The contents of the geotechnical report.

23 (C) Evaluation of the geotechnical report by the lead agency.

24 (4) Guidelines for evaluating asbestos hazards and
25 recommending mitigation measures.

26 (5) Any necessary procedures, including, but not limited to,
27 processing of waivers pursuant to Section 2684, to facilitate the
28 implementation of this chapter.

29 (b) At least 90 days prior to adopting measures pursuant to this
30 section, the board shall transmit or cause to be transmitted a draft
31 of those measures to affected cities, counties, and state agencies
32 for review and comment.

33 2686. (a) The State Geologist shall compile maps identifying
34 asbestos hazard zones, consistent with the requirements of
35 Section 2685. The maps shall be compiled in accordance with a
36 time schedule developed by the director and based upon the
37 provisions of Section 2685 and the level of funding available to
38 implement this chapter.

39 (b) The State Geologist shall, upon completion, submit
40 asbestos hazard maps compiled pursuant to subdivision (a) to the

1 board and all affected cities, counties, and state agencies for
2 review and comment. Concerned jurisdictions and agencies shall
3 submit all comments to the board for review and consideration
4 within 90 days.

5 Within 90 days of board review, the State Geologist shall
6 revise the maps, as appropriate, and shall provide copies of the
7 official maps to each state agency, city, or county, including the
8 county recorder, having jurisdiction over lands containing an area
9 of asbestos hazards. The county recorder shall record all
10 information transmitted as part of the public record.

11 (c) In order to ensure that sellers of real property and their
12 agents are adequately informed, any county that receives an
13 official map pursuant to this section shall post a notice within
14 five days of receipt of the map at the office of the county
15 recorder, county assessor, and county planning agency,
16 identifying the location of the map, any information regarding
17 changes to the map, and the effective date of the notice.

18 2687. (a) Cities and counties shall require, prior to the
19 approval of a project located in an asbestos hazard zone, a
20 geotechnical report defining and delineating any asbestos hazard.
21 If the city or county finds that no undue hazard of this kind
22 exists, based on information resulting from studies conducted on
23 sites in the immediate vicinity of the project and of similar soil
24 composition to the project site, the geotechnical report may be
25 waived. After a report has been approved or a waiver granted,
26 subsequent geotechnical reports shall not be required, provided
27 that new geologic datum, or data, warranting further
28 investigation is not recorded. Each city and county shall submit
29 one copy of each approved geotechnical report, including the
30 mitigation measures, if any, that are to be taken, to the State
31 Geologist within 30 days of its approval of the report.

32 (b) In meeting the requirements of this section, a city or
33 county shall consider the policies and criteria established
34 pursuant to this chapter. If a project's approval is not in
35 accordance with the policies and criteria, the city or county shall
36 explain the reasons for the differences in writing to the State
37 Geologist, within 30 days of the project's approval.

38 2688. Nothing in this chapter is intended to prevent cities and
39 counties from establishing policies and criteria that are more
40 strict than those established by the board.

1 2689. Each city and county, in preparing the safety element to
2 its general plan pursuant to subdivision (g) of Section 65302 of
3 the Government Code, and in adopting or revising land use
4 planning and permitting ordinances, shall take into account the
5 information provided in available asbestos hazard maps.

6 ~~SEC. 3.—~~

7 SEC. 5. Section 2699.5 of the Public Resources Code is
8 amended to read:

9 2699.5. (a) There is hereby created the Seismic Hazards
10 Identification Fund, as a special fund in the State Treasury.

11 (b) Upon appropriation by the Legislature, the moneys in the
12 Strong-Motion Instrumentation and Seismic Hazards Mapping
13 Fund shall be allocated to the division for purposes of this
14 chapter, Chapter 7.7 (commencing with Section 2680), and
15 Chapter 8 (commencing with Section 2700).

16 (c) On and after July 1, 2004, the Seismic Hazards
17 Identification Fund shall be known as the Strong-Motion
18 Instrumentation and Seismic Hazards Mapping Fund.

19 SEC. 6. *If the Commission on State Mandates determines that*
20 *this act contains costs mandated by the state, reimbursement to*
21 *local agencies and school districts for those costs shall be made*
22 *pursuant to Part 7 (commencing with Section 17500) of Division*
23 *4 of Title 2 of the Government Code.*